

# Exhibit F



Sheppard Mullin Richter & Hampton LLP  
1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067  
310.228.3700 main  
www.sheppardmullin.com

424.288.3700 direct  
knaqvi@sheppardmullin.com

March 24, 2023

**VIA E-MAIL ONLY**

Douglas E. Lumish  
Gabriel S. Gross  
Joseph H. Lee  
Cassandra Baloga  
Kelley Storey  
Julianne Osborne  
Arman Zahoory  
Ryan Banks  
LATHAM & WATKINS LLP  
140 Scott Drive  
Menlo Park, California 94025

[Doug.lumish@lw.com](mailto:Doug.lumish@lw.com)  
[Gabe.gross@lw.com](mailto:Gabe.gross@lw.com)  
[Joseph.Lee@lw.com](mailto:Joseph.Lee@lw.com)  
[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)  
[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)  
[Julianne.osborne@lw.com](mailto:Julianne.osborne@lw.com)  
[Arman.zahoory@lw.com](mailto:Arman.zahoory@lw.com)  
[Ryan.banks@lw.com](mailto:Ryan.banks@lw.com)

Re: *Moog Inc. v. Skyrise, Inc., et al.*  
U.S. District Court, Western District of New York – Case No. 1:22-cv-00187  
March 17, 2023 Meet and Confer Re: ITAR Issues

Dear Counsel:

This letter follows up from our March 17, 2023 telephonic meet and confer regarding ITAR issues.

First, I expressly asked Skyrise's counsel to certify that all historical and current members of the [skyriseemoog.lwteam@lw.com](mailto:skyriseemoog.lwteam@lw.com) listserv e-mail address are U.S. Citizens, as they are required to be to access AEO designated materials under the Protective Order. (Dkt. 89, § 6.5). Skyrise's counsel refused to answer the question or provide any such certification. Skyrise's repeated refusal to provide this certification is extremely concerning to Moog, and supports our suspicion that there have been violations of the Protective Order in disclosing AEO-designated materials to non-U.S. citizens. We intend to raise this issue with the Court.

Second, regarding Skyrise's claims that Moog has over-designated ITAR materials, I advised that Skyrise has not provided any legal authority that would support a position that Moog is required to alter its designations or update markings on specific materials that may be controlled under ITAR. Skyrise did not raise any such legal authority during our call and has not provided any to us.

Third, as we had done multiple times before, I asked Skyrise's counsel to identify any specific prejudice that it is allegedly suffering due to Moog's ITAR-designations. The one example you provided was that certain Latham case team members may travel internationally and may be unable to access Moog's trade secret disclosure involving sensitive government programs. This is not a legitimate basis of burden, and I suggest you again check with members of your firm regarding the ability to access ITAR-designated materials internationally. Skyrise has still not identified any specific or legitimate burden that it contends it is facing.



Douglas E. Lumish, Esq.  
Gabriel S. Gross, Esq.  
March 24, 2023  
Page 2

Fourth, you brought up questions regarding logistics regarding how the Parties would file Moog's trade secret disclosure with the Court. This is not a complicated issue. Our position is that Moog's trade secret disclosure would be filed under seal in its entirety with the Court in the normal course, and as set forth in the Protective Order and the Court's local rules. If Skyryse chooses to file the document, it would conditionally lodge such materials under seal, and Moog would then file a response declaration setting forth the grounds to seal the documents in their entirety.

Finally, we note that in Section 1.5 of the Protective Order (Dkt. 89), Skyryse's designated in-house counsel authorized to view AEO materials is listed as Jeri Rouse Looney. We understand that Ms. Looney has not been employed by Skyryse for several months. Skyryse has never requested any amendment to the Protective Order for a replacement to Ms. Looney. Thus, since Ms. Looney's departure, nobody at Skyryse has been permitted to view AEO materials. We ask Skyryse to confirm that since Ms. Looney's departure, nobody at Skyryse has received AEO materials designated by Moog.

All rights are expressly reserved.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Kazim Naqvi'.

Kazim Naqvi  
for SHEPPARD MULLIN RICHTER & HAMPTON LLP